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February 6, 2024

Via ECF

Hon. Kiyo A. Matsumoto, U.S.D.J.
United States District Court, E.D.N.Y.
225 Cadman Plaza East, Courtroom 6C-S
Brooklyn, New York 11201

Re: Letter Motion for a stay of discovery pending outcome of motion
Case No.: 1:22-cv-05686-KAM-VMS—*Lanasa, et al. v. Stiene*
Client No: 1367-1001

Dear Judge Matsumoto:

This office represents the defendant Erik Stiene (“Defendant” or “Mr. Stiene”) in the referenced case. The parties have conferred and jointly write upon submission of this latest motion to dismiss requesting a stay of discovery until such time as this motion is decided.

Since we are back to the motion to dismiss submission stage, we thought it would be prudent to make this request. In light of the costs of discovery already incurred, the bankruptcy proceeding relevant to one of the parties in this case, the issues that have burdened this Court regarding discovery that might be further avoided depending on the outcome of the motion, and an effort to bring down the temperature of this case, permitting this motion to be decided before taking further action might be in the best interest for all involved.

Obviously, we are mindful that a stay of discovery during the pendency of a dispositive motion is discretionary. See Coughlin v. N.Y. State Unified Ct. Sys., 22-cv-04002 (FB)(JMW), 2022 U.S. Dist. LEXIS 181664, *4-5 (E.D.N.Y. October 4, 2022). That being said, we believe good cause is shown, not the least of which, the lack of prejudice since this is a joint application. Id. at *4; see also Palladino v. JPMorgan Chase & Co., 23-cv-1215(MKB)(JAM), 2024 U.S. Dist. LEXIS 14973, *9-10 (E.D.N.Y. Jan. 26, 2024); A&P v. Town of E. Hampton, 997 F.Supp. 340 (E.D.N.Y. 1998).

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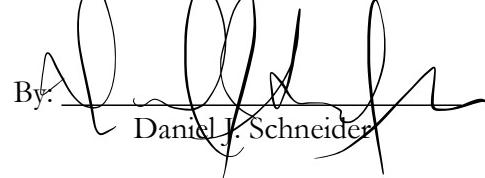
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In light of the foregoing, the parties jointly request a stay so that the Court may consider the current motion to dismiss. We appreciate the Court's courtesy and consideration on this matter.

Respectfully submitted,

FARBER SCHNEIDER FERRARI LLP

By: 
Daniel J. Schneider

cc: All counsel via ECF

Hon. Vera M. Scanlon, U.S.M.J. via ECF